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March 11, 2016

**VIA ECF**

Honorable Edward R. Korman  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Government Employees Ins. Co., et al. v. Jacobson, et al.*  
Docket No. 15-cv-7236-ERK-RML  
RR File No.: 005100-01007

Dear Judge Korman:

As the Court is aware, we represent Plaintiffs Government Employees Insurance Co., GEICO Indemnity Co., GEICO General Insurance Company and GEICO Casualty Co. (collectively "GEICO" or "Plaintiffs") in the above-referenced matter.

We respectfully submit this letter to request that the Court enter an order directing Defendants Bruce Jacobson, D.C., Diana Beynin, D.C., Peter Albis, D.C., Gerlando Zambuto, D.C., Robert Klass, D.C., Jongdug Park, D.C., BMJ Chiropractic, P.C., NJ Pain Treatment, P.C., Jacobson Chiropractic, P.C., Dr. Bruce Jacobson D.C., P.C., and N.J. Neuro & Pain, P.C. (collectively, the "Jacobson Defendants") to file their proposed pre-answer motion to dismiss on or before March 25, 2016.

This request is made for good cause. As the Court may recall, pursuant to a stipulation that was so-ordered by the Court, the Jacobson Defendants were required to answer, move, or otherwise respond to GEICO's Complaint in this action on or before February 26, 2016. See Docket No. 40.

Rather than actually file an answer or a dispositive motion on February 26, 2016, the Jacobson Defendants instead filed a letter requesting a pre-motion conference in advance of a proposed motion to dismiss. See Docket No. 50. This, despite the fact that the Court's rules do not require a pre-motion conference in advance of a motion to dismiss.

On March 10, 2016, the Court granted the Jacobson Defendants' request, to the extent of permitting them to file a pre-answer dispositive motion. See Docket No. 62. However, the Court did not set any

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deadline by which the Jacobson Defendants would be required to file their proposed pre-answer dispositive motion. Id.

Against this backdrop, GEICO respectfully requests that the Court enter an order directing the Jacobson Defendants to file their pre-answer motion on or before March 25, 2016. In this context, had the Jacobson Defendants followed the Court's individual rules, and the parties' stipulation (which was so-ordered by the Court), they would have actually filed their dispositive motion by February 26, 2016. See Docket No. 40. Instead, they filed an unnecessary letter seeking a pre-motion conference.

Considering that the Jacobson Defendants have been in possession of the Complaint in this action for at least two months, GEICO respectfully submits that they have had ample time to prepare their proposed dispositive motion, and should be in a position to file it by March 25, 2016. Considering that the Docket does not currently reflect any deadline by which the Jacobson Defendants must file their dispositive motion, GEICO respectfully requests that the Court set a March 25<sup>th</sup> deadline.

We appreciate the Court's attention to this matter.

Respectfully submitted,

RIVKIN RADLER LLP

*/s/ Max Gershenoff*

Max Gershenoff

cc: All counsel via ECF.